

HOMILY FOR PUSEY HOUSE
4TH SUNDAY IN ORDINARY TIME 30.01.2100
THE LAW & THE GOSPEL

‘He is the source of your life in Christ Jesus whom God made our wisdom, our righteousness and sanctification and redemption’ (1 Cor 1: 30)

When I was a young law student way back in the 1980s if I had a few hours to spare between lectures I would sneak off into G E Street’s remarkable Royal Court’s of Justice building in The Strand, cross the vast cathedral like main Hall and climb the dark stairs up to a wood panelled court in the far corner and slip into the public gallery. For this is the Court of the Master of the Rolls, the senior civil judge, and at that time, and in fact for some 20 years, the bench was occupied by Lord Denning. And I, and other law students like me, hoped that not only would we would hear some of the wonderful Hampshire burr and the characteristic short sentences of his speech, but there might be a chance of hearing him make an acidly cutting comment at the expense of the superior judges in the court above who had reversed some of his decisions and decried his maverick ways. Moreover we understood that he more than other judges epitomised the values represented by the statue of Lady Justice that surmounts the Old Bailey, and the inscription above its door drawn from Ps 72 ‘defend the children of the poor and punish the wrongdoer’. He championed the underdog, those without power who had right on their side, and was fearless in challenging Parliament and his senior brother judges by making new legal principle if he deemed it necessary. In a comment that perhaps could worthily be made of Mr Justice Cocklecarrot, that fictitious doyen of Private Eye’s Queen’s Bench Division, it is said of him that he possessed every Christian virtue except resignation.

In the Gospel reading today Jesus begins the teaching known as the Sermon on the Mount and this forms one of the major pillars of Matthews Gospel. For Matthew’s gospel paints the big picture to his audience. He grapples with questions both for new Christians, who had formerly been

Jews, and for Gentile converts, of what their identity might be – how they should process the old Jewish culture in the light of the new Christian one; where did guidance come from and how should they behave? So Jesus climbed the mountain, as Moses did when he was given the Law, and he sat down as would a rabbi in the synagogue to give his teaching. The drama and clarity of the images would have been readily apparent to the first hearers. Yet those who expected to be given a nice neat set of rules so that they knew exactly where the line was drawn and whether they were inside or outside, were to be disappointed. For Jesus spoke of the fulfilment to be gained by the poor in spirit, the gentle, those who mourn and the merciful; he did not give a system of prescriptive rules and nor did he seek to replace the Torah, the Jewish Law that affected both religious and ethical behaviour. Instead he spoke of the 'Kingdom of God', another big theme in Matthew. But as we will see elsewhere in the gospel, the contemporary idea of a kingdom was challenged head on and paradoxically by a king who was first acknowledged not by his own people but by foreign philosophers; who rode in state but on a donkey; and a crucified criminal whose cross was given the inscription 'king of the Jews'¹.

St Paul in his letters to the Romans and the Galatians articulates and develops the theme of how Christians might behave as citizens of the kingdom of heaven and how we might inform our daily judgments by, as he describes it, walking 'in the law of the Spirit'². He recognises that the teaching of Jesus in the gospels is that the mere keeping of the rule based law by 'ticking the boxes' is not to be equated with sinlessness and that something more dynamic than this is required to live the values of the Kingdom of heaven. Living the law of the Spirit gives the capacity to form the judgment to decide what is right and to determine what is really important. It is being open to the wisdom of the Spirit that brings an

¹ Matt 27: 37

² Rom 8: 2-4

understanding that refines the rather dry application of the prescriptive law and channels discernment.

There is I think an analogy to be found in the development of our own common law system. This is the system based on judicial decisions rather than Acts of Parliament and upon the application of precedent decisions to similar situations that arise in the future. In early times the system of precedent rationally applied was inflexible and so litigants were entitled to make an appeal directly to the monarch. The monarch had discretion to review the decision and by applying principles known as the 'king's conscience' might vary or uphold the decision so that it would be more just. Eventually this process was delegated to the Lord Chancellor and by the time of Thomas Mores' chancellorship, decisions of the Chancery court were recorded and together produced a body of general principles known as 'equity'. The content of these principles were more of a framework for decision making ensuring that the process was not abused by litigants with questionable integrity, and to ensure that there would be procedural fairness. So a sense or tradition of these general principles is said to form in the judicial mind standing behind the rational application of precedent law. This sense or conscience is formed by judicial experience and practice, but the great jurist Blackstone rather romantically described equitable principles as 'propositions flowing from reason... deposited in the breasts of the judges'³.

And so the judge sitting in the lowest ranking court can take comfort, and perhaps including those of us that do this part time, that the decisions arrived at even in those small claims cases where the litigants are so infuriatingly petty and the sums of money involved so small, are informed by a wisdom acquired by some form of judicial osmosis that will guard against error and tend towards justice.

³ Blackstone, W *Commentaries* p379-380

It was the common law system containing interplay between law and equity that provided a model to Bl John Henry Newman of how reason and tradition informed conscience. As to tradition he said 'It is latent... it is the church's unconscious habit of opinion and sentiment'⁴. As a practitioner of the law as it affects vulnerable people with permanent injuries; people who lack mental capacity and those in relationship breakdown, the image of the judge that appeals most is one who stands between the power and greed of large institutions and the faceless lack of care of government agencies and calls them to account; a judge who speaks about breaching duties of care and who judicially reviews and declares the decisions of public bodies to be in breach of human rights and dignity and to be unlawful. This image of law maker and law giver is more like the fearlessly independent defender of the poor spoken of by the psalmist and epitomised by judges of the calibre of Lord Denning. But each year the amount of parliamentary legislation increases. There is therefore only occasional scope for judges to draw from the collective consciousness they have inherited from the common law tradition, but legislation is fast invading this space, I fear. Judges have to operate in a western liberal democratic context, recognising a society with many values and many faiths but giving precedence to none. Where tensions exist, most weight is normally given to the view that gives the most freedom to the numerical majority. It is a utilitarian task that removes all bar the minimum content of any natural law from the decision making process.

The law given to Moses is subject to a very different development and fulfilment. It becomes focused not on Temple or court of law but in the person of Jesus. For those who sat around Jesus at the mountain did not leave for their homes having heard the whole story. They were not given a nicely packaged answer to the question of how a disciple of Jesus should behave then and there. Those few who became his apostles and closest disciples did not leave and go home but stayed and accompanied him down

⁴ Newman J H *Via Media*, I. 32

the mountainside, they remained with him during his teaching about true discipleship, the values of the kingdom and his abiding presence in the eucharist . It was to them that eventually the risen Christ proclaimed and gave his peace. Their sense of the values of the kingdom developed gradually as they followed and became close to Jesus; and then after the resurrection, as they gathered together in prayer opening themselves to the Spirit; as they remembered together the stories about Jesus and as they were fed from the table of the Word and celebrated the eucharist. As such what was handed down through the old law was brought to fulfilment by the new covenant in Jesus' life, his death and resurrection. The tradition that they carried with them became the apostles' interpreter of what they had received from the old Jewish law. In their consciences it informed their values and influenced their behaviour.

So the place where our reception of this tradition is informed week by week and day by day is here at the eucharist. It is in obedience to his command that we come with all our faults and failings to be inspired by his wisdom and filled with the grace that makes us his very own people by the mystery of this holy exchange of gifts. It is here that we most fully find our identity. We become a Eucharistic community when we strive to live out a Eucharistic life. This may involve becoming people with values that may sometimes come into collision with the laws and norms of our society, (and perhaps even the General Synod!); thus we are blessed in being persecuted; or, instead of seeking to be successful in the eyes of the world, we might strive to bless others by the costly giving of ourselves and our gifts and our skills; or we might feel called to rise to the challenge of defending an unpopular or unfashionable cause because there are people in need of being blessed and defended. Above all we seek closeness to Jesus in the regular rhythm of prayer and sacrament living our daily lives as Sons and daughters of God and seeking the freedom he gladly offers. Remember the first words of the risen Christ to his gathered disciples, his

fledgling Church, were ‘peace be with you’⁵. The peace that he speaks of draws from the Hebrew ‘Shalom’ – ultimate fulfilment and freedom for the whole of creation. Jeremiah’s prophecy may thus be fulfilled both now and in the future: ‘I will put my law within them and write it on their hearts’⁶. Amen

⁵ Lk 24: 36

⁶ Jer 31: 33